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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,)	
)	
14 Plaintiff,)	
)	Case No. 2:23-cv-1966-APG-BNW
15 v)	
)	
16 ADAM SACHS,)	
PROCLOAK SERIES II, LLC.,)	
17 WELLS FARGO BANK, NA.,)	
PHH MORTGAGE CORPORATION,)	AGREED STIPULATIONS BETWEEN
18 THE BANK OF NEW YORK, as)	UNITED STATES AND ADAM
successor Trustee of)	SACHS AND PROCLOAK SERIES II,
19 CSFB HOME EQUITY MORTGAGE)	LLC
TRUST SERIES 2004-1, and)	
20 REPUBLIC SILVER STATE DISPOSAL, INC.,))	
)	
21 Defendants.)	
_____)	

22 **STIPULATION BETWEEN THE UNITED STATES AND**
23 **DEFENDANTS ADAM SACHS AND PROCLOAK SERIES, II, LLC**

1 The United States and defendants Adam Sachs, and Procloak Series, II., LLC,
2 (“Procloak”), stipulate to the following:

3 1. Defendant Adam Sachs owes outstanding federal income tax liabilities for the 2005,
4 2006, 2007, 2010, 2011, and 2012 tax years.

5 2. Defendant Adam Sachs does not contest the judgment entered on July 29, 2020 by the
6 United States District Court for the Southern District of Florida, Case No. 5:20-cv-0073, against
7 Sachs in favor of the United States for his federal income tax liabilities for the 2005, 2006,
8 2007, 2010, 2011, and 2012 tax years in the aggregate amount of \$3,410,614.94 as of February
9 21, 2020, plus statutory additions and prejudgment and post judgment interest thereon at the
10 rates set forth in 26 U.S.C. §§ 6601 and 6621 as adopted by 28 U.S.C. § 1961(c) until paid.

11 3. The United States has valid and subsisting federal tax liens under in 26 U.S.C. §§ 6321
12 and 6322 for Adam Sachs’ federal income tax liabilities for the 2005, 2006, 2007, 2010, 2011,
13 and 2012 tax years that are attached to the following three parcels of real property with the
14 addresses and legal descriptions as follows:

15 3.a. Property one is located at 3090 Cooper Creek Drive, Henderson, Clark County, NV
16 89704, (“Cooper Creek Property”) more fully described as follows:

17 Lot 70 in Block 5 of Vistara at Pebble Canyon, as shown by map thereof on file in
18 Book 49 of Plats, Page 94 in the Office of the County Recorder of Clark County,
Nevada.

19 3.b. Property two is located at 101 East Van Wagenen Street, Henderson, Clark County,
20 NV 89704, (hereinafter “East Van Wagenen Property”) more fully described as follows:

21 Lot 1 of TROPICANA SQUARE, as shown by map thereof on file in Book 15 of
22 Plats, Page 79 in the Office of the County Recorder of Clark County, Nevada.

23 EXCEPT all minerals and all mineral rights which may be located upon or under
the real property hereinabove described as reserved by Reconstruction Finance
Corporation in deed recorded September 9, 1949. as Document No. 321823, Clark

County, Nevada, records which deed reserves the right to enter upon, prospect for, mine and remove such minerals.

3.c. Property three is located at 309 Rosegate Street, Henderson, Clark County, Nevada, (hereinafter "309 Rosegate Property"), more fully described as follows:

Lot Twelve (12) in Block One (1) of GREEN VALLEY RANCH - PARCEL 42, as shown by map thereof on file in Book 75 of Plats, Page 39, and amended by Certificates of Amendment recorded September 3, 1996, in Book 960903 as Document No. 00965 and March 12, 1999, in Book 990312 as Document No. 01256, of Official Records, in the Office of the County Recorder of Clark County, Nevada.

3.d. Collectively, properties one, two and three described above will be referred to as the "Subject Properties."

4. The transfers of the Subject Properties from Adam Sachs to Procloak were made subject the United States' statutory federal tax liens for the 2005-2007 and 2010 tax years and the United States has valid tax liens on these properties.

5. The transfers of the Subject Properties from Adam Sachs to Procloak were constructively fraudulent transfers for 2005, 2006, 2007, 2010, 2011, and 2012 tax liabilities (no determination is made as to whether they were also actually fraudulent).

6. Adam Sachs is the true, equitable and beneficial owner of the Subject Properties. The United States' abstract of the July 29, 2020, judgment entered against Adam Sachs in favor of the United States filed on November 10, 2020, with the County Clerk of Clark County, Nevada, is attached to the Subject Properties.

7. The United States is entitled to enforce the federal tax liens against the Subject Properties.

8. Defendants Adam Sachs and Procloak consent to the immediate appointment of a receiver and sale of the Subject Properties.

9. The Subject Properties will then be sold unopposed through a court appointed receiver

1 under 26 U.S.C. §§ 7402 and 7403 or pursuant to 28 U.S.C. §§ 2001 et. seq., or through IRS's
2 PALS, (Property Appraisal and Liquidation Specialist, or "PALS") at the United States'
3 discretion.

4 10. The Subject Properties shall be sold free and clear of all rights, titles, or interests of the
5 parties, including any rights of redemption, with the proceeds of the sale distributed upon
6 separate motions and orders from the court as to each property.

7 11. The net proceeds of the sales of the Subject Properties paid to the United States shall
8 be applied to Adam Sachs' outstanding federal income tax liabilities for the 2005, 2006, 2007,
9 2010, 2011, and 2012 tax years.

10 12. Adam Sachs and Procloak are not entitled to any sales proceeds from the Subject
11 Properties.

12 13. All rents from the Subject Properties shall be paid directly to the United States from
13 the date of this stipulation until the Subject Properties are sold. To the extent necessary, Adam
14 Sachs and Procloak shall not oppose and consent to issuing Writs of Garnishment for the rent
15 from the Subject Properties. Any amounts or rents received by the United States from the
16 Subject Properties shall be applied to Adam Sachs' outstanding federal income tax liabilities for
17 the 2005, 2006, 2007, 2010, 2011, and 2012 tax years. To the extent the Subject Properties are
18 leased or rented, Sachs will provide the United States with copies of all current leases.

19 14. Nothing in this agreement shall affect or alter the IRS' right to setoff as set forth in
20 26 U.S.C. §§ 6401 and 6402 et seq., nor to the United States' rights to collect the tax liabilities
21 at issue in any other manner. Nothing in this agreement shall affect or alter the IRS's rights as
22 it relates to any other tax liabilities.

23 15. The Court shall retain jurisdiction to accomplish the sales of the Subject Properties and

1 distribution of sales proceeds.

2 16. Each party will bear its respective costs, including attorneys' fees.


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18
19 IT IS SO ORDERED:

20 Dated: February 27, 2024

21
22 
23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE